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10/759,638	01/16/2004	Donald M. Pangrazio	D/A2188	1550
41030 7590 07/24/2008 ORTIZ & LOPEZ, PLLC P. O. BOX 4484 ALBUQUERQUE, NM 87196-4484				
EXAMINER				
DICKERSON, CHAD S				
ART UNIT		PAPER NUMBER		
2625				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 6/16/2008 have been fully considered but they are not persuasive.

In the recently filed Amendment on 6/16/2008, the claim limitations that were added to claims 6 and 12 did not coincide with the claim limitation in claim 1. Therefore, the Amendment to the claims will not be entered since the claims present new issues that will involve further search and/or consideration. However, the Examiner will address the arguments in regards to claim 1.

The applicant asserted that since the feature of "instantaneously" was not specifically stated in the references the above references do not disclose all of the claim features. The Examiner respectfully disagrees with this assertion.

Before explaining how the references teach the above mentioned feature, the Examiner would like to give the reason why combining the references of Murren in view of Marks. Murren is concerned with publishing information to multiple subscribers to the information. The information includes descriptions of assets, goods or services or content such as news stories or other user information (see paragraphs [0002]-[0016] of Murren). Murren discloses sending this information to a plurality of subscribers, but it is not specifically mentioned that this distribution of information happens in a multi-cast nature. The reference of Marks is involved in distributing document information to multiple sources specifically in a multi-cast nature. Since both are involved in distributing information to multiple recipients over a network, it would be reasonable to

combine the two references and it would have been obvious to one of ordinary skill in the art (see paragraph [0002] of Marks).

Regarding the claim feature of “instantaneously” synchronizing data representative of the document with remote subscribers, the Examiner believes that this feature is performed. The Applicant does not argue that the rest of the claim feature was not performed, just that the feature of being performed “instantaneously” is not disclosed. When looking at the definition of instantaneously (*when using the American Heritage Dictionary*), the following definitions are found: (1) occurring or completing without perceptible delay; (2) done or made as quickly or directly as possible. These are accurate depictions of the adverb “instantaneously”. When viewing paragraph [0002] of Murren in the background of the invention, the invention speaks of the advancement of technology and how this advancement is allowing data to be quickly communicated to entities across networks. The background then follows this paragraph by explaining how this advancement in technology is being used in the aspect of the invention. It also lists some drawbacks, but the main point is that the data is allowed to be communicated quickly over networks because of advancing technology and this is applied to the Murren reference. The quick nature in which the invention of Marks is applied discloses the feature of a process being performed “instantaneously”. The applicant asserts that a time frame is not mentioned in either reference. Assuming arguendo that the Applicant’s claim that the references do not disclose a specific time period when performing the document synchronization is correct, the Examiner would

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like to point out that the phrase in question does not specifically suggest a time frame.

Quickly or without perceptible delay are not definite time periods.

Therefore, with the above explanation the Examiner believes that the above claim feature in claim 1 is performed by the references of Murren and Marks. The dependent claims that were rejected still remain rejected since their independent claim still remains rejected.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAD DICKERSON whose telephone number is (571)270-1351. The examiner can normally be reached on Mon. thru Thur. 9:00-6:30 Fri. 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Haskins can be reached on (571)-272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/C. D./

/Chad Dickerson/

Examiner, Art Unit 2625

/Twyler L. Haskins/

Supervisory Patent Examiner, Art Unit 2625